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NBK INNOVATION XIII, LLC,
DOJO VENTURES FUND II, LLC, SU FUND I,
A SERIES OF INCISIVE VENTURES LP,
ANTONIO SALERNO, SUSAN LEIBY, ALESSCO, INC.
DEFINED BENEFIT PLAN, ROBERT HESS,
AND MJ JAMIOLKOWSKI FLP

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NBK INNOVATION XIII, LLC, DOJO VENTURES
FUND II, LLC, SU FUND I, A SERIES OF
INCISIVE VENTURES LP, ANTONIO SALERNO,
SUSAN LEIBY, ALESSCO, INC. DEFINED
BENEFIT PLAN, ROBERT HESS, AND MJ
JAMIOLKOWSKI FLP,

Plaintiffs,

v.

SUAVEI, INC., AFONSO INFANTE, AND
ALLISON WONG,

Defendants.

Case No.: 2:22-cv-01415-JAD-BNW

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE JANUARY
24, 2024 SETTLEMENT
CONERENCE AND TO CONTINUE
STAY OF DISCOVERY**

IT IS HEREBY STIPULATED AND AGREED between Plaintiffs NBK Innovation XIII, LLC,
DOJO Ventures Fund II, LLC, SU Fund I, a Series of Incisive Ventures LP, Antonio Salerno, Susan
Leiby, Alessco Inc. Defined Benefit Plan, Robert Hess, and MJ Jamiolkowski FLP (collectively,
“Plaintiffs”), and Defendant Allison Wong (“Defendant” or “Defendant Wong”), by and through their

undersigned counsel, that: (1) the January 24, 2024 settlement conference to be conducted by Magistrate Judge Brenda Weksler be continued for a period of approximately ninety (90) days; and (2) the discovery stay currently in effect be extended until seven (7) days after completion of the continued settlement conference, with the lone exception of permitting the parties to take the deposition of non-party witness Frank DeJoy.

I. BACKGROUND.

On July 17, 2023, the Court entered a stipulation and order to schedule settlement conference, stay discovery, and extend discovery 90-days after the settlement conference. (ECF No. 43.) On July 17, 2023, the Court also entered an order scheduling the settlement conference for September 27, 2023. (ECF No. 44.)

On September 27, 2023, the settlement conference commenced before Magistrate Judge Brenda Weksler. (*See* Minutes of Proceedings, ECF No. 45.) The Court heard presentations from counsel and the parties and met separately with each side in caucuses. (*Id.*) No settlement occurred during this initial session of the settlement conference, and the Court continued the settlement conference to January 24, 2024. (*Id.*)

Near the conclusion of the initial settlement conference on September 27, 2023, the parties discussed staying discovery, with the lone exception of taking the deposition of Frank DeJoy, until after the second session of the settlement conference on January 24, 2024. The parties agreed to stay discovery, with the lone exception, until January 31, 2024. On October 16, 2023, Magistrate Judge Brenda Weksler entered an order staying discovery in this manner until January 31, 2024. (ECF No. 46.)

II. REASONS FOR CONTINUANCE.

The parties acknowledge that Plaintiffs' success in executing on the default judgments entered by this Court against defendant Suavei, Inc. (ECF No. 34) defendant Afonso Infante (ECF No. 39) will have a material effect on settlement negotiations in the second session of settlement conference scheduled by this Court. In this regard, Plaintiffs have registered said default judgments in the United States District Court, Northern District of California, Case No. 23-mc-80054-LJC (the "Northern District of California Case"). After the first session of the settlement conference concluded on

1 September 27, 2023, Plaintiffs discovered certain accounts belonging to defendant Infante, served writs
2 of execution and subpoenas in the Northern District of California Case.

3 On December 6, 2023, defendant Afonso Infante filed a Motion to Quash Writs of Execution
4 and Subpoenas in the Northern District of California Case. United States Magistrate Judge Lisa J.
5 Cisneros, United States District Court, Northern District of California, has recently scheduled a hearing
6 on defendant Infante's motion for January 25, 2024. Defendant Infante, however, has not yet consented
7 to have Magistrate Judge Cisneros hear his motion in the Northern District of California Case. As a
8 result, it appears expect that the January 25, 2024 hearing on defendant Infante's motion will be
9 continued for an unknown period when a District Court judge may hear it.

10 Finally, Plaintiffs also served a subpoena to take the deposition of Frank DeJoy on January 19,
11 2024. Due to scheduling conflicts, this deposition has been continued and the parties are working with
12 counsel for Mr. DeJoy to reschedule it.

13 The parties therefore submit that the January 24, 2024 settlement conference in this case be
14 continued for a period of approximately 90 days. The parties also submit that the current discovery
15 stay should also be extended until seven (7) days after the conclusion of the continued statement
16 conference, with the lone exception of taking the deposition of non-party witness Frank DeJoy.

17 **III. REQUEST FOR FORMAL ORDER APPROVING STIPULATION.**

18 Based on the foregoing, the parties respectfully request the Court to enter a formal order: (1)
19 continuing the January 24, 2024 settlement conference for a period of approximately ninety (90) days;
20 and (2) extending the current stay of discovery until seven (7) days after the date of the continued
21 settlement conference, with the lone exception of permitting the parties to take the deposition for Frank
22 DeJoy.

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DATED this 19th day of January, 2024.

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ALESSCO, INC. DEFINED BENEFIT PLAN,
ROBERT HESS, AND MJ JAMIOLKOWSKI
FLP*

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

IT IS FURTHER ORDERED that the pre-settlement conference call is continued to April 23, 2024 at 3 p.m. and the settlement conference is continued to April 24, 2024 at 10 a.m.

DATED: 1/22/2024